

FROM : TULLAR

PHONE NO. : 1 603 353 4860

Sept 28

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

ALICE H. ALLEN, et al.,

Plaintiffs,

v.

DAIRY FARMERS OF AMERICA, INC.,
DAIRY MARKETING SERVICES, LLC,
and DEAN FOODS COMPANY,

Defendants.

Civil Action No. 5:09-CV-00230

**DECLARATION OF RENDELL TULLAR IN SUPPORT OF MOTION TO INTERVENE
AND OBJECTION TO APPROVAL OF PROPOSED CLASS SETTLEMENT**

I, Rendell Tullar, make the following declaration based upon personal knowledge of the matters set forth here.

1. I was raised on a dairy farm and have been actively involved in the farming business for 38 years. I currently own and operate a farm in Orford, New Hampshire. I operate the farm along with my wife and two children.

2. My parents purchased the farm in 1956 and began with approximately 20 cows. We have built up the farm and now milk approximately 400 cows with a total of 750 livestock, on 650 acres of land. We have 5 full time employees and are one of the 2 or 3 largest farms in New Hampshire.

3. Our farm produces approximately 11,000,000-lbs of milk per year. Our milk is picked up daily and usually amounts to about one-half of a truckload, which is combined with the milk from other farms. Most all of this milk is shipped to the Hood plant in Concord, New Hampshire and I believe is pooled in Federal Order 1.

4. I am a member of the Dairylea Cooperative and have been since 1994. I played a big role in bringing Dairylea to this area and have been very happy with the relationship. Prior to joining Dairylea, I was a member of other coops including Agrimark and Cabot.

5. I prefer to be in a coop for several reasons. First, I believe that dairy farmers do better when they work together. For example, being a member of a coop ensures that I will have a market for my milk every day, which gives me great security. I need to sell my milk every day but do not produce a full truck load each day. Being part of a coop gives me security that my milk will be picked up daily because it is pooled with other farms to fill a truck load. Similarly, being part of a coop ensures that there is a market for my milk even when there is a surplus of milk at certain times of the year. The possibility of not having a customer or having to lower my prices to find a customer when there is a surplus of milk is a risk that I prefer not to take on my own. Also, I am confident that I will always get paid for my milk.

6. The coop also keeps me informed about the dairy industry through local meetings and provides a number of attractive discounts such as on parts and supplies.

7. I am very confident that Dairylea is acting in the best interest of its member farmers and negotiates the best prices for milk.

8. I have seen Dean's Proposed Settlement with the Plaintiffs in this lawsuit and believe that it raises a lot of questions about what it does to the market. This proposed deal gives Dean the opportunity to undercut our prices. Then, we would have to further undercut those prices to get the market back or have to sell more milk at lower class 3 or 4 prices.

9. Also, it could provide incentives to farmers to leave coops and cut their own deals, shifting costs such as balancing onto other dairy farmers and undermining the security that the coop offers.

10. Additionally, the settlement dollars offered are short sighted. It would not take much of a price decline for us to lose all of the supposed benefits of the cash Dean promises to pay. Our farm produces about 900,000 pounds of raw milk a month. If prices went down by even 5¢/cwt, we will end up receiving \$5,400 per year less as a result of this proposed settlement.

11. I don't understand how lawyers who claim to represent me and the hundreds of other dairy farmers who market our milk through coops and DMS could believe that the proposed settlement is in our interest. The proposed settlement that these lawyers negotiated takes milk sales away from dairy farmers like us who work through DMS and pits dairy farmers against each other.

12. I do not see how it is in my interest for DMS to lose substantial milk sales to Dean and risk a decline in prices and weaker coops.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on January, 15, 2011, in Orford N.H

Rendell Tullar
Rendell Tullar